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Stupid Patent of the Month: “Internet drink mixer” vs. everyone

Leigh Rothschild urges his fellow inventors to rise up and stop patent reform.

JOE MULLIN - 9/1/2015, 12:25 PM



"System and method for creating a personalized consumer product."

It's that time of the month again: the Electronic Frontier Foundation has **selected a winner** for its "Stupid Patent of the Month" contest.

Patent-holding company Rothschild Connected Devices Innovations (RCDI) owns US Patent No. **8,788,090**, which was granted in 2014 and describes a system where a "remote server" "transmits" a "product preference" via a "communication module." Using those broad claims, RCDI has sued more than 20 companies for making things that connect to the Internet. The company **sued ADT (PDF)** over its Pulse product that allows for things like adjusting a thermostat.



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An advertisement for Hilton featuring a photograph of two people in a green kayak on a river. One person is wearing a blue helmet and the other a red helmet. They are both wearing life jackets. The Hilton logo and the slogan "IT MATTERS WHERE YOU STAY" are overlaid on the top left of the image. A "FOR THE STAY" tagline is on the right, and a "BOOK NOW" button is in the bottom right corner.

The patent relates to an application filed back in 2006 that essentially describes an Internet drink mixer. A consumer can customize products by connecting to a server on "the global computer network, e.g., the Internet," which can then "provide product preferences of a user to a product or a mixing device, e.g., a product or beverage dispenser."

RCDI's [complaint against Toshiba \(PDF\)](#) seeks royalty payments over remote operation of cameras. The patent troll's [lawsuit against Sharp \(PDF\)](#) says that sending scanned documents to a mobile device infringes its patent. Given interpretations like that, it's hard to imagine what part of the "Internet of things" doesn't owe inventor Leigh Rothschild money.

"There will be no prize for guessing where RCDI has filed all of its litigation: the [Eastern District of Texas](#)," writes EFF patent attorney Daniel Nazer. "Its unique, [plaintiff-friendly rules](#) make it easier for trolls to use the cost of defense to extort settlements, even when the underlying case is weak."

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Of course, product customization, online or not, wasn't even close to new. "Even in 2006, this was a spectacularly mundane idea," writes Nazer. "It just connects a product mixer to the Internet."

Save the inventor

The patent was filed by Leigh Rothschild, a Florida man who appears to own several other holding companies at the same Plano address, including Rothschild Digital Media Innovations and Rothschild Location Technologies, which sues over GPS apps.

Rothschild's attempts to get dozens of payouts for his Internet drink mixer idea may look problematic to EFF, but to Intellectual Ventures (IV), the largest patent-holding company, Rothschild's inventions suggest another narrative. IV [unabashedly promotes Rothschild](#) in one of its "inventor spotlight" articles.

The article doesn't mention the nearly 100 lawsuits filed by his shell companies. It does mention his 60+ patents, portraying him as a kind of idea man who can't be bothered with the day-to-day of operating a business.

"I'm not a 'runner,' I'm an inventor," Rothschild says. He sold two companies so he could spend "more time in invention mode." The article goes on to suggest that inventors like Rothschild are in danger from "big companies" seeking to change patent laws:

Big companies that want intellectual property (IP) don't always make licensing deals with individual inventors...

Rothschild suggests that more inventors need to reach out to members of Congress and help them understand what inventors are up against. "They don't have the individual inventor perspective. Our voices are being drowned out by far bigger lobbying contingents... Would you take away the right to patent inventions that have been the core of American innovation, such as the light bulb or the telephone?"

Rothschild still remembers when Intellectual Ventures (IV) called him: "An inventor can call himself lucky when a call like that comes in."

The inventor says he's looking forward to working with IV for decades to come. "There's an art to packaging a patent, and Intellectual Ventures is a one-stop-shop when it comes to monetizing IP," he says.

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Joe has covered the intersection of law and technology, including the world's biggest copyright and patent battles, since 2007.

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